



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

ELP
Docket No. 3480-00
20 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 3 November 1976 for four years at age 17. The record reflects that you were advanced to CPL (E-4) and served without incident until 10 July 1979 when you underwent a psychiatric evaluation because you felt you could not cope with the Marine Corps. You were diagnosed as having an immature personality disorder and administrative separation was recommended.

On 17 October 1979 you received nonjudicial punishment (NJP) for a 60 day period of unauthorized absence (UA), from 27 July to 25 September 1979. Punishment imposed consisted of forfeitures of \$250 pay per month for two months and reduction in rate to LCPL (E-3).

On 23 October 1979 you were notified that you were being recommended for a general discharge by reason of unsuitability due to the diagnosed character and behavior disorder. You were advised of your procedural rights and having consulted with legal counsel, elected to waive those rights. Thereafter, the commanding officer recommended a general discharge by reason of unsuitability. In his recommendation, the CO stated you could not adjust to the demands of military service, and your erratic behavior and inability to cope with every day stress was evidenced by your prolonged period of UA. The CO opined that your retention would have a detrimental effect upon other Marines.

A review by the staff judge advocate found the case to be sufficient in law and fact. On 19 November 1979 the discharge authority directed a general discharge by reason of unsuitability. You were so discharged on 29 November 1979.

Regulations provided that individuals discharged by reason of unsuitability would receive the type of discharge warranted by the service record. Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct and proficiency averages were 3.8 and 4.5, respectively. A minimum average mark of 4.0 in conduct was required for a fully honorable characterization at the time of your discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, diagnosed personality disorder, and the fact that it has been nearly 21 years since you were discharged. The Board noted your contention that you had a personality conflict with the commanding officer. The Board concluded that these factors and contention were insufficient to warrant recharacterization of your discharge given your record of an NJP for a prolonged period of UA and failure to achieve the required average in conduct. Your contention is neither supported by the evidence of the record nor by any evidence submitted in support of your application. The Board concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director